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HOUSE BILL 609

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES; AMENDING THE CONSTRUCTION INDUSTRIES LICENSING ACT TO INCREASE THE PENALTY FOR FAILURE TO DISCLOSE CERTAIN INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-13-19 NMSA 1978 (being Laws 1978, Chapter 78, Section 1, as amended) is amended to read:

"60-13-19. DIVISION-- EVIDENCE OF POSSESSION-- PENALTY. --

A. The licensee shall exhibit satisfactory evidence of the possession of a license on demand and shall clearly indicate his contractor's license number on all written bids and when applying for a building permit. ~~[Before work is commenced, a contract is signed or funds are paid for any residential contracting, the contractor shall disclose in writing to the owner that the license issued under the~~

underscored material = new
[bracketed material] = delete

1 ~~Construction Industries Licensing Act does not protect the~~
2 ~~consumer if the contractor defaults.]~~

3 B. ~~[Any]~~ A contractor who fails to indicate his
4 contractor's license number clearly on all written bids and
5 when applying for a building permit ~~[or who fails to make the~~
6 ~~disclosure statement required under this section]~~ shall be
7 assessed ~~[by the division]~~ a penalty fee of one hundred fifty
8 dollars (\$150) by the division. The fee shall be payable to
9 the code jurisdiction or political subdivision ~~[which]~~ that
10 issued the permit or in which the work for which the bid is
11 submitted is or would be permitted.

12 C. Before work is commenced, a contract is signed
13 or funds are paid for any residential contracting, the
14 contractor shall disclose in writing to the owner, on a form
15 approved by the division, that the license issued and the bond
16 or other proof of responsibility required pursuant to the
17 Construction Industries Licensing Act does not protect the
18 consumer if the contractor defaults. Any contractor who fails
19 to make the disclosure required by this subsection shall be
20 assessed a fee by the division in an amount not less than five
21 hundred dollars (\$500) nor more than one thousand five hundred
22 dollars (\$1,500) as determined by the division. The fee shall
23 be payable to the division."